

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371**

NOS-106

U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5)

10/525852

INTERNATIONAL APPLICATION NO.

PCT/EP2003/008204

INTERNATIONAL FILING DATE

25 July 2003

PRIORITY DATE CLAIMED

30 August 2002

TITLE OF INVENTION

ORTHOPAEDIC DEVICE FOR CORRECTING ABNORMAL POSITIONS OF THE TOES

APPLICANT(S) FOR DO/EO/US

Vitus Maria HUBER et al.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
 2. ☐ This is a **SECOND OR SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
 3. ☒ This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
 4. ☒ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
 5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☒ is transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ has been transmitted by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
 6. ☒ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
 7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ have been transmitted by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☒ have not been made and will not be made.
 8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)). (verified)
 9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
 10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).
- Items 11. to 16. below concern other document(s) or information included:
11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
 12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
 13. ☒ A **FIRST** preliminary amendment. (11 pages)
☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
 14. ☐ A substitute specification. (attached to a red-ink marked-up version of the English language translation)
 15. ☐ A change of power of attorney and/or address letter.
 16. ☒ Other items or information:
 - Form PCT/ISA/210 (English language version, 5 pages)
 - Certificate of Mailing by Express Mail (2 pages)
 - Return Receipt Postcard

EXPRESS MAIL NO.: EV478067788US

MAILED: 25 February 2005

U.S. APPLICATION NO. (If known, see 37 CFR 1.52) 10/525852		INTERNATIONAL APPLICATION NO. PCT/EP2003/008204		ATTORNEY'S DOCKET NUMBER NOS-106	
17. <input checked="" type="checkbox"/> The following fees are submitted: BASIC NATIONAL FEE (37 CFR 1.492(a)(1)-(5)): Basic National Filing Fee \$ 300.00 National Stage Search Fee \$ 500.00 National Stage Examination Fee \$ 200.00				CALCULATIONS PTO USE ONLY <div style="border: 1px solid black; padding: 5px; display: inline-block; transform: rotate(-2deg);"> DTUT Rec'd PCT/PT 25 FEB 2005 </div>	
ENTER APPROPRIATE BASIC FEE AMOUNT =				\$ 1,000.00	
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).					
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	* 51	31	X \$50.00	\$ 1,550.00	
Independent claims	* 1	0	X \$200.00	\$ 0.00	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360.00		
TOTAL OF ABOVE CALCULATIONS =				\$ 2,550.00	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$ 1,275.00	
SUBTOTAL =				\$ 1,275.00	
Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				+	
TOTAL NATIONAL FEE =				\$ 1,275.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				+	
TOTAL FEES ENCLOSED =				\$ 1,275.00	
* Based upon entry of the First Preliminary Amendment.				Amount to be:	\$
				refunded	
				charged	\$
a. <input checked="" type="checkbox"/> A check in the amount of \$ <u>1,275.00</u> to cover the above fee is enclosed.					
b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$_____ to cover the above fees. A duplicate copy of this sheet is enclosed.					
c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>19-3550</u> . A duplicate copy of this sheet is enclosed.					
NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.					
SEND ALL CORRESPONDENCE TO: Pauley Petersen & Erickson 2800 West Higgins Road, Suite 365 Hoffman Estates, Illinois 60195 (847) 490-1400 Fax: (847) 490-1403				<div style="text-align: center;"> </div> SIGNATURE Melanie I. Rauch NAME 40,924 REGISTRATION NUMBER	

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Vitus Maria HUBER
Axel KRAUSS

Title: ORTHOPAEDIC DEVICE FOR CORRECTING
ABNORMAL POSITIONS OF THE TOES

Based Upon: PCT/EP2003/008204

Express Mail No.: EV478067788US

Date of Deposit: 25 February 2005

Customer No.: 42419

CERTIFICATE OF MAILING BY EXPRESS MAIL

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

I hereby certify that the following requisites of the subject patent application are being deposited with the United States Postal Service as Express Mail Post Office to Addressee No. EV478067788US, on 25 February 2005, and is addressed to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, together with the items listed below.

- Transmittal Letter (Form PTO-1390) (2 pages), in duplicate
- A German language copy of the International Application
- An English language translation of the International Application

Based Upon: PCT/EP2003/008204

- First Preliminary Amendment (11 pages)
- English language copy of the International Search Report, Form PCT/ISA/210 (5 pages)
- A check in the amount of \$1,275.00 to cover the fees set forth in the Transmittal Letter
- Return Receipt Postcard

Respectfully submitted,



Melanie J. Rauch
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